ernment under sub-section (4) of section 21 of the Act. [Placed in Library. See No. LT-4468/87]

3. G. S. R. No. 453(E), dated the 5th May, ' 1987, making amend-nts to the Second Schedule and the Third Schedule to the Act relating be "Rates of Royalty" and 'Dead Rent' respectively. (Placed Library. See No. LT-44U9/87]

PROCLAMATION UNDER ARTICLE 356 OF THE CONSTITUTION IN RE LATIQN TO THE STATE OF PUNJAB

R. CHAIRMAN: Now, Proclamation under Article 356...

, SHRI LAL K. ADVANI (Madhya Pradesh): On a point of order, Mr. Chairman, this morning when we saw the List of Business we did not see any reference to this proclamation about wbicli we had already gathered information from the news papers that President's rule has been imposed on Punjab under Articlo-356. A Proclamation has been issued by the President in that regard following a *i* 'report from the Governor of the State and whatever is to follow, action has been taken on that. I have w> tten to vou drawing attention to th fact that Parliament is in Session he moment and while Parliament is in Session any important announcement pertaining to the administrate. pertaining *to* the Governor, has to be made in Parliament first before it is made outside. This applies not merely to policy statements but it applies to vital and important decisions of Government which are not i_n the nature of continuing administrative derisions. I can understand if there is 'a continuing administration decision it can be taken outside also. In this case this is a very vital decision which has a long-range effect on that part of the country and I would say, j also on the whole country...

SHRI PA WAN KUMAR BANSAL (Punjab): President cannot come tp the Parliament to issue the Proclamation.

MR. CHAIRMAN: Mr. Bansal, if you want to say something, I will give you an opportunity.

SHRI LAL K. ADVANI: Mr. *h:* sal i_s very right that 'the President cannot come to the House and issue a Proclamation. He issues it outside, t the Government, it being the executive authority, is always very particular to see that even when a journalist asks them journalists may come to know from outside — "Has President's rule been imposed on Punjab?", he will say, " I have nothing to say, whatever I have to say *l* will say it in Parliament.. In the fitness of thins, instead" of Sh'ri Buta Singh or Shri Chidambaram "coming right here to lay on the Table of Parliament a Proclamation about which details may bs available laterbroadly we already know from newspapers. It would have been proper if in the List of Business today it had been mentioned that Shri Buta Singh or Shri Chidambaram will make a statement on the Punjab situation and in that course he had made an announcement here that a Proclamation Has been issued.

My submission is that this' is one more illustration of the fact that 'his executive tends to take PaVljanvmt fo_r granted, to bypass Parliament, and take decisions of its own accord without reference to Parliament. I regard this as a breach of propriety and as a. violation of established con, ventions. Therefore, I would urge !hat you should point ou* to them and to ensure that this kind of \'iolation does not take place again.

Secondly, this Proclamation necessarily under Article 356 sub-clause (3) has to be laid on the Table and has to be approved within two months of the Proclamation; otherwise, 'within two months it will expire: that is, under Article 356. And, therefore,

[Shri Lai K. Advani]

Sir, obviously, I am sure, the Government has intention to discuss it today or tomorrow, whatever it is. That points to the *ad* hoc manner in which even Parliament sessions are being planned. There is an ad *hocness* not only in the matter of Government decisions pertaining to executive Policy and to executive administration, but also in respect of parliamentary sessions all along. Very many things are done in an ad *hoc* manner as a result of which I find that in the other House, when they were told that the House sitting was being extended by one day, there were naturally protests. Here too, obviously, something will have to be omitted or we will have to sit tomorrow, I do not know what exactly the Government has in mind. But these are matters where your 'responsibility comes in directly. I would like to request that you should tell the Government to plan properly and, if there is any departure from the schedule, at least the Opposition, at least the House, should be, taken into confidence before /things are decided. Thank you, Sir.

MR. CHAIRMAN: I will explain „ now. The motion for the approval of the Proclamation will be moved after disposal of item No. 6, that is, the Constitutional amendment re-l ling 'to Arunachal Pradesh and, roughly. 51 will be taken up probably 2. 30, between 2. 00 and 2. 30 P. M. today.

SHRI LAL K. ADVANI; That is not there on the agenda and we do not know. If many of us had not known about it, we would not have been able to be here.

MR. CHAIRMAN; A supplementary list will come.

SHRI LAL K. ADVANI; But I am referring to the *ad hoc* manner of the whole thing. Sir.

MR. CHAIRMAN; A supplementary list will be there… *(Interruptions).* Please hear me. Since we ar going to discuss it at2. 30 or earlier, should you makeall the points now or do you thinkyou cani them later?

SOME HON. MEMBERS: Now | itself.

MR. CHAIRMAN; All right. Yes, Mr. Dipen Ghosh.

SHRI MPEN GHOSH (West Bengal); Mr. Chairman, Sir, the debate will take place on the merits of the Proclamation and the case for which the Proclamation has been made-But the question is, as my colleague, Shri Advani has pointed out, the propriety of making a Proclamation outside Parliament when Parliament itself is in session.

SHRI NIRMAL CHATTERJEE: (West Bengal): It is an affront to Parliament.

SHRI DIPEN GHOSH: feut it is only a sophistry that Mr. Bansal has introduced, that is, that the President himself cannot come to Parliament and make the Proclamation. But the question is that it is an affront to Parliament and this is not the first time that we have been facing this situation. Earlier also, Sir, they Government has taken Parliament for granted on various important issues. But, Sir, in the Punjab case, as you know, not only this Parliament was called upon to discuss matters and advise the Government and give its views, both the ruling party side and the Opposition side, but also, whenever Parliament was not in session, the leaders of the Opposition groups and the ruling party side were consulted. Even very recently, when there was no session and when the situation warranted some kind of a discussion and action by political parties, the Prime Minister had consulted the leaders of the Opposition. But today, after that, I do not know what has happened. May be that in the opinion of the ruling party the situation has since deteriorated. But since

Parliament is in session, what prevented the ruling party' or the Govern-tt from taking Parliament into confidence, discussing the matter and taking directions from Parliament? Therefore, Sir, I oppose this and I protest against this method of tackling a political problem by-passing Parliament. Thank you, Sir.

B. CHAIRMAN; Yes, Mr. Gu$_i$u-paclaswamy.

SHRI M. S. GURUPADASWAMY '(Kri'nataka): Mr. Chairman, Sir, I object to the way the Government hag been behaving, of late. An<j in thin particular case, I object to the proclamation on there counts. Firstly, the timing of the Proclamation

MR. CHAIRMAN: You should do it n merits. It was done yesterday

•iit.

SHEiI M. " S. GURUPADASWAMY; It done yesterday night and I do not er to it. Secondly, I object to it in respect of the procedure adopted in this context and, thirdly, the manner in which the Government is behaving in Parliament.

! EK. CHAIRMAN: I think you can confine yourself to the last point.

SHRI M. S. GURUPADASWAMY: timing was the previous nignt.

i'RI DIPEN GHOSH; It i$_s$ • a midnight operation.

SIXRI M. S. GURUPADASWAMY: I do not know whether it was]ust yesterday night or midnight. But we had met yesterday and we were *iere till 6 o'clock and this could have been brought up before Parliament before that time. Though there was an element of abruptness in it, I don't exception to it. They could have brought this question before us yesterday itself or today when we rr. et. It was not done.

You wanted me not to refer to the second point.

My third point is about. the manner in which the Government mtnt is treating Parliament my colleague, Mr. Advani, had raised this issue and Dipen Babu also raised this issue saying that. this was an insult i to Parliament and parliamentary institutions. May I say that the Prime Minister has been flouting norms and conventions? He takes pride in the • fact that he has flouted many conventions"? An important convention is that the Leaders of the Opposition should be consulted on all important and vital issues. That convention ha$_s$ been flouted. The Government has come beicre the House with the proclamation. We are still in session. They have come on the last day of *Hie* -; ssion when we are winding up our Lusiness. It is most unfortunate and I take it that it is very derogatory to the functioning of our parliamentary system itself. The Government has been resorting to this kind of insult off and on. I think the Chair should, take notice of this and warn the Government that in such matte is Wt should not be treated very casually.

SHRi PARVATHANENI UPEN-DRA (. Andhra Pradesh): Sir, the they have brought this Proclamation shows how power-drunk they has become and how arrogant they have become. It is nothing but contempt pf Parliament. We have seen more than once how they have been treating the Parliament and the const! tutional proprieties. It is sheer ar rogance and taking the Parliament for granted and the people for gram-ted., Ejtf'en yesterday, there was a hint from Mr. Advani wh raised it as a Special Mention. The could have announced it yesterdaj itself that they have taken " this decision. There is no secrecy involved in it. It is not such a secret. operation that the proclamation should be issued at midnight when everybody is sleeping. Why could they not announce it earlier when the matter was raised in the House

[Shri Parvathaneni Upen"ra] yesterday? They could have brought the proclamation today-. This is one more instance of how this Govern ment and the ruling party is treating the Parliament and flouting the constitutional proprieties and parliamentary procedures. We take very serious exception to his. I feel that this should go on record. We hare protested many times in the past against the manner in which they have been treating the Parliament. They have been treating the Parliament in a cavalier manner.

SHRI PAWAN KUMAR BANSAL; I am sorry that I find myself unable to agree with the views expressed by the bon Leaders of the Opposition. If *my* information is correct, the proclamation was issued much after the List of Business was printed and sent for circulation. The Government has taken the first opportunity available to come to- Parliament wito the proclamation and before we entered the House today, we found that the Supplementary List of Business was being supplied to the hon. Members. Mr. Upendra raised an objection aibout the manner in which the proclamation has been made, i am sure he knows about the constitutional provision 'naking it mandatory for the Government to have the report from the Governor before proceeding in the matter. There wr<ts nothing to debar the Government, if it had any intention to bypass the Parliament or not to tak the Parliament into confidence, from is&uing this proclamation a day aftei" the Parliament had adjourned. It is only to show all the due respect to Parliament that the Government came forward with this proclamation at the! earliest opportunity in orde: to give us an opportunity to discuss it in detail.

MR. CHAIRMAN; No point of order now. *(. Interruptions)* What

श्री राम अवधेश सिंह (बिहार) : मेरा पाइन्ट आफ आर्डर है ।

is the point of order? You are always raising points of disorder.

श्री राम अवधेश सिंह : इन्होंने कहा है कि राज्यपाल की रिपोर्ट पर ही प्रेजीडेंट का प्रोक्लेमेशन हो सकता है तो क्या राज्यपाल की रिपोर्ट इनको रात में 9 या 10 बजे मिली पहले तो मुझे यह बतायें साफ साफ कि अगर दिन में, रिपोर्ट आई है राज्यपाल की तो सदन से छिपाने का क्या औचित्य है ?

MR. CHAIRMAN: There is Bo point of. order. *(Interruption)* I have ruled that there is no point of ordfti. Now the Minister.

THE MINISTER OF STATE IIN THE MINISTRY QF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF" STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Mr Chairman, Sir on behalf of Shri Buta Singh, i beg to lay on the Table.:

MR. CHAIRMAN: Just one minute I thought you were going into...

SHRI P. CHIDAMBARAM: I will answer.

MR. CHAIRMAN: First you ans wer and then_____ .

SHRI P CHIDAMBARAM: Mr. Chairman, Sir....

श्री राम चन्द्र विकल : यह अभी भी हिन्दी में प्राप्त नहीं हुई है । हिन्दी में नोटिस प्राप्त नहीं हुई है । हम बार-बार मांग रहे हैं ।

श्री पर्वतनेनि उपेन्द्र : अन्याय को हिंदी में भी बताइये ।

SHRi P. CHIDAMBARAM: Mr Chairman, Sir, as I read the provisions of Article 356 of the Constitution, it contemplates two different steps. Firstly, under sub-article (1. the President should make a Proclamation. Secondly, under sub-arti

cle (3), the Proclamation shall be laid belore each House of Parlia ment. The President made the Proclamation late last night.

AN HON MEMBER; Why?

SHRI P. CHIDAMBARAM: Immediately thereafter, we have come before Parliament and we are laying the Proclamation before both thj •ses of Parliament. As far as ding it in the List of Business oncerned, Sir, I wish to draw your kind attention to the fact th-. it. Rajya Sabha Secretariat has ued a Supplementary List of Business which, lists the Proclamation under article 356 of the Constitution Sg well as: he Statutory Resolution.

I submit, Sir, that the Government has faithfully followed the provisions of article 356 of the Constitu-Ther'j has en no violation soever. **Hard** utwds do no. : reak any bones. Therefore, I will tot take exception to the hard words uttered by the Members of the Opposition. We have faithfully followed the provisions of the Constitution and there is no error in what ve have done.

SHRI PARVATHANENIUPENDRA: That is ithe sort of arrogance Sir.

MB. CHAIRMAN: Please sit down. Even Mr. Advanj, and others have not raised it as a breach of pVivilege of the House.

SHRI PARVATHANENI UPENDRA: Propriety, Sir.

MT CHAIRMAN: You do not want to plump me. It has been raised as a breach of propriety. But considering; he circumstances and the facts of this case and that the decision was takan late, in the night, I am not satisfied that it is a breach of propriety in this case. But the advice tendered by the Opposition that in all matters if policy and in all important matters Parliament should be informed earlier should be noted by the Government.

Now, I permit him to lay on the Table.

SHRI PARVATHANENI UPENDRA; They do not allow the President to sleep peacefully also.

SHRI P. CHIDAMBARAM: Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers: —

(f) Proclamation (GSR No. **474**-'E), issued by the President on May 11, 1987, under article 356 of the Constitution, in relation to the State of Punjab, under clause (3) of the said article.

' (ii) Order GSR No. 475(E), dated May 11, 1987, made by the President under sub-clause (i) of Clause (c) • of the above proclamation.

(iii) Report of the Governor of Punjab dated May 11, 1987, to the President recommending the issue of the Proclamation.

MR. CHAIRMAN: Now the Message from the Lok Sabha.

MESSAGE FROM THE LOK SABHA

The Khadi and Village Industries Cemmission (Amendment) Bill, 1987

SECRETARY-GENERAL: Sir, I have to report to the House the following message 'received from the Lok Sabha signed by the Secretary-Oeneral of the Lok Sabha:

"In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 11th May, 1987, agreed without any amendment to the Khadi and Village Industries Commission (Amendment) Bill, 1987, which was passed by Rajya Sabha at its sitting held on the 9th March, 1987.; •